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5 Attorney for Defendant
6 ANTHONY McGEE

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

No. CR 12-0052 EMC

11
12 Plaintiff,

**STIPULATION AND PROPOSED
ORDER CONTINUING STATUS
HEARING**

13 v.

14 ANTHONY McGEE,

15 Defendant /

16
17 This matter was scheduled for an evidentiary hearing on defendant's motion to suppress
18 on July 30, 2012. It turns out that one of the three police officers involved in the detention and
19 arrest of Mr. McGee is unavailable that day. Defense counsel wants all three officers to testify
20 during the same proceeding. Defense counsel is also leaving the country and unavailable for
21 three weeks starting August 1, 2012. The first date all witnesses and counsel are available is
22 September 10, 2012.

23
24 IT THEREFORE STIPULATED that the hearing on defendant's motion to suppress
25 evidence may be continued to September 10, 2012 at 10:00 a.m.

26 The parties further stipulate and move for an exclusion of time under the Speedy Trial
27 Act, 18 U.S.C. § 3161(b), from the signing of this order until September 10, 2012 because
28

1 defendant's motion is still pending and has not been ruled upon. Given these circumstances, the
2 Court hereby continues the evidentiary hearing and excludes the time from the signing of this
3 order until September 10, 2012 from the time in which this matter must be brought to trial
4 pursuant to 18 U.S.C. § 3161(h)(1)(d).
5

6 **SO STIPULATED.**

7 DATED: July 2, 2012

MELINDA HAAG
United States Attorney

8
9 By: /S/Robert David Rees
10 ROBERT DAVID REES
11 Assistant United States Attorney
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13 DATED: July 27, 2012

By: /S/Erik Babcock
14 ERIK BABCOCK
15 Counsel for Defendant

16 **IT IS SO ORDERED.**

17 DATED: July 27, 2012

